

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7113

BILL NUMBER: HB 1006

NOTE PREPARED: Jan 13, 2014

BILL AMENDED:

SUBJECT: Reconciles technical and substantive conflicts between HEA 1006-2013 (the Criminal Code Revision Bill) and other bills touching on criminal law.

FIRST AUTHOR: Rep. Steuerwald

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: Pending

Summary of Legislation: This bill has the following provisions:

Nomenclature: It changes the nomenclature for felonies from "Class" to "Level" for statutes not amended by HEA 1006-2013 and for statutes added to the Indiana Code in the 2013 session.

Criminal Gang Activity: The bill gives a juvenile court jurisdiction over a child charged with criminal gang activity.

Pretrial Diversion: The bill authorizes pretrial diversion for persons charged with a Level 5 or Level 6 felony.

Sentence Modification: It prohibits a credit restricted felon from obtaining sentence modification.

The bill provides that, not later than 365 days after: (1) a convicted person begins serving the person's sentence; and (2) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned; the court may reduce or suspend the person's sentence and impose any sentence the court was authorized to impose at the time of sentencing.

It also specifies that, if more than 365 days have elapsed since the convicted person began serving the sentence, the court may reduce or suspend the sentence and impose any sentence the court was authorized to impose at the time of sentencing.

The bill limits the filing of subsequent petitions to modify a sentence, and removes the requirement that the court hold a hearing.

Advisory Sentence: It requires a court to explain its reasons for imposing a sentence unless the court imposes an advisory sentence. The bill increases the advisory sentence:

- (1) from six years to 10 years for a Level 3 felony;
- (2) from four years to six years for a Level 4 felony; and
- (3) from two years to three years for a Level 5 felony.

Nonsuspendible: The bill increases the number of crimes that are nonsuspendible.

Habitual Offenders: The bill requires a court to sentence a person found to be a habitual offender to an additional fixed term of imprisonment that is between:

- (1) six years and 20 years, for a person convicted of murder or a Level 1 through Level 4 felony; and
- (2) two years and six years, for a person convicted of a Level 5 or Level 6 felony.

Education Credit Time: The bill provides that educational credit time is deducted from the release date that would otherwise apply to the person.

(The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

Effective Date: July 1, 2014.

Explanation of State Expenditures: *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources:

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